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Advancement of women

France and Netherlands: draft resolution

Intensification of efforts to prevent and eliminate all forms of violence against women and girls: sexual harassment

The General Assembly,

Recalling its resolutions 61/143 of 19 December 2006, 62/133 of 18 December 2007, 63/155 of 18 December 2008, 64/137 of 18 December 2009, 65/187 of 21 December 2010, 67/144 of 20 December 2012, 69/147 of 18 December 2014 and all its previous resolutions on the elimination of violence against women, as well as its resolution 71/170 of 19 December 2016 on the intensification of efforts to eliminate all forms of violence against women and girls,

Recalling also Human Rights Council resolution 38/5 of 5 July 2018, entitled "Accelerating efforts to eliminate violence against women: preventing and responding to violence against women and girls in digital contexts",

Recalling further Commission on the Status of Women resolution 61/1 of 22 March 2017, on preventing and eliminating sexual harassment in the workplace,[1] and all relevant decisions of the International Labour Organization,

Reaffirming the obligation of all States to promote and protect all human rights and fundamental freedoms, and reaffirming also that discrimination on the basis of sex is contrary to the Charter of the United Nations, the Universal Declaration of Human Rights,[2] the International Covenant on Civil and Political Rights,[3] the International Covenant on Economic, Social and Cultural Rights,[3] the Convention on the Elimination of All Forms of Discrimination against Women[4] and the Convention on the Rights of the Child and the Optional Protocols thereto,[5]

[1] See *Official Records of the Economic and Social Council, 2017, Supplement No. 7* (E/2017/27), chap. I, sect. D.
[2] Resolution 217 A (III).
[3] See resolution 2200 A (XXI), annex.
[4] United Nations, *Treaty Series*, vol. 1249, No. 20378.
[5] Ibid., vols. 1577, 2171 and 2173, No. 27531; and resolution 66/138, annex.

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Reaffirming also the Vienna Declaration and Programme of Action,[6] the Declaration on the Elimination of Violence against Women,[7] the Beijing Declaration and Platform for Action,[8] the Programme of Action of the International Conference on Population and Development[9] and the outcomes of their review conferences, and the United Nations Declaration on the Rights of Indigenous Peoples,[10]

Recalling the commitments to eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation, and to provide access to safe public spaces for women and children, contained in Sustainable Development Goals 5 and 11, in particular in targets 5.2 and 11.7,[11] and taking into account the commitment to leave no one behind,

Deeply concerned about violence against women and girls in all its different forms and manifestations worldwide, which is underrecognized and underreported, particularly at the community level, and its pervasiveness, which reflects discriminatory norms that reinforce stereotypes and gender inequality and the corresponding impunity and lack of accountability, reiterating the need to intensify efforts to prevent and eliminate all forms of violence against women and girls in the public and private spheres in all regions of the world, and re-emphasizing that violence against women and girls violates, and impairs their full enjoyment of, all human rights,

Stressing that "violence against women and girls" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women and girls, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life, including in digital contexts, and noting the economic and social harm caused by such violence,

Recognizing that violence against women and girls, including sexual harassment in the public space, on the way to and from and at school and in the workplace, and its redefinition through technology-mediated environments, is rooted in historical and structural inequality in power relations between men and women, seriously violates and impairs or nullifies the enjoyment of all human rights and fundamental freedoms by women and girls and constitutes a major impediment to their full, equal and effective participation in society, the economy and political decision-making,

Bearing in mind that sexual harassment in the public space, on the way to and from and at school and in the workplace and the resulting hostile environment have a further negative impact on women and girls in the enjoyment of their rights and equal opportunities, have negative physical and mental health consequences for the victims and may negatively affect their families,

Recognizing the particular risk of sexual harassment faced by women and girls who suffer multiple and intersecting forms of discrimination,

Deeply concerned that school-related violence against girls, including sexual violence and harassment on the way to and from and at school, such as violence perpetrated by teachers, continues to deter girls' education and, in many cases, the transition to and completion of secondary education, and that these risks may influence the decision of parents to allow girls to attend school,

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[6] A/CONF/157/24 (Part I), chap III.

[7] Resolution 48/104.

[8] *Report of the Fourth World Conference on Women, Beijing, 4–15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap I, resolution 1, annexes I and II.

[9] *Report of the International Conference on Population and Development, Cairo, 5–13 September 1994* (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution 1, annex.

[10] Resolution 61/295, annex.

[11] See resolution 70/1.

Recognizing that women and girls are frequently subject to unwelcome scrutiny, harassment and violence at work and that women and girls face increased risks of harassment and violence in particular contexts, such as when working outside the normal working hours or when working in the same place where they live,

Acknowledging that the increased access of women and girls to employment and to workplaces, either male-dominated or where stereotyped masculinities prevail, can increase the risk of violence and harassment against them,

Concerned about the large number of women and girls worldwide who have reported being victims of sexual harassment in their workplace, and concerned also that, owing to underreporting, the actual number may be much greater,

Underscoring that often shame, stigma, lack of information and awareness, fear of reprisals, persistent impunity and low conviction rates for violence against women and girls and negative economic consequences, such as loss of livelihood or reduced household income, prevent many women and, as applicable, girls from reporting or acting as witnesses and from seeking redress and justice in cases of sexual harassment in the public space, on the way to and from and at school and in the workplace,

Deeply concerned about all acts of violence against women and girls involved in political and public life, including women politicians, political candidates, journalists and other media workers and human rights defenders,

Emphasizing that the lack or inadequacy of disaggregated data and documentation and research on sexual harassment against women and girls, including in and outside of the workplace, impedes efforts to design and implement specific measures, including, where appropriate, policies and legislation to prevent and eliminate this form of violence,

Stressing that laws addressing violence and harassment in the workplace are often of limited scope, not covering a wide range of workplaces, including homes, and that gaps need to be addressed,

Stressing also that the obligation and primary responsibility to promote and protect human rights and fundamental freedoms lie with the State,

Stressing further that employers have the primary responsibility to take measures to prevent sexual harassment in the workplace and to facilitate effective action after sexual harassment has occurred by holding perpetrators to account and providing access to remedies and protection for victims and whistle-blowers, bearing in mind that victims of sexual harassment may be subject to further discrimination or reprisals,

Stressing the need, in addition to the implementation of laws, to change social norms that condone violence against women in the workplace, including through training and awareness-raising campaigns conducted in workplaces, which are associated with a change in attitudes and increased knowledge about sexual harassment, particularly among men and boys,

1. *Strongly condemns* all forms of violence against all women and girls, including sexual harassment, recognizing that it is an impediment to the achievement of gender equality and to the full realization of all human rights for women and girls;

2. *Acknowledges* that sexual harassment is a form of violence and a violation and abuse of human rights and that it encompasses a continuum of unacceptable behaviours and practices that are likely to result in physical, psychological or sexual harm or suffering and can be defined as any unwelcome sexual advance, request for sexual favour, verbal or physical conduct or gesture of a sexual nature, or any other behaviour of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation to another;

3. *Urges* States to condemn violence against women and girls, including sexual harassment in the workplace, schools and public spaces, and reaffirms that they must not invoke any custom, tradition or religious consideration to avoid their obligations with respect to its elimination and should pursue, by all appropriate means and without delay, a policy of eliminating violence against women as set out in the Declaration on the Elimination of Violence against Women;[7]

4. *Stresses* the need to address discrimination based on multiple and intersecting factors, which places women and girls at greater risk of exploitation, violence and abuse, and to take appropriate action to empower and protect them;

5. *Notes* that efforts by civil society organizations in eliminating violence against women and girls are complementary to those of Governments, and in this regard urges States to support, where possible, initiatives not led by States that are aimed at promoting gender equality and at preventing, responding to and protecting women and girls from sexual harassment in the public space, on the way to and from and at school and in the workplace;

6. *Urges* States to address structural and underlying causes and risk factors so as to prevent sexual harassment, including by:

(a) Modifying social and cultural patterns of conduct with a view to preventing and eliminating in the public and private spheres patriarchal and gender stereotypes, negative social norms, attitudes and behaviours and unequal power relations that regard women and girls as subordinate to men and boys and that underlie and perpetuate discrimination and violence against women and girls, including sexual harassment;

(b) Emphasizing the important role that men and boys can play in preventing and eliminating violence against women and girls, including by challenging gender stereotypes and the negative social norms, attitudes and behaviours that underlie and perpetuate such violence and further developing and implementing measures that reinforce non-violent actions, attitudes and values, and encouraging men and boys, alongside women and girls, to take an active part and become strategic partners and allies in efforts to prevent and eliminate all forms of violence and discrimination against women and girls;

(c) Committing themselves to accelerate efforts to scale up scientifically accurate age-appropriate comprehensive education that provides adolescent girls and boys and young women and men, in and out of school, consistent with their evolving capacities, with information on sexual and reproductive health, gender equality and women's empowerment, human rights, physical, psychological and pubertal development and power in relationships between women and men, to enable them to build self-esteem and foster informed decision-making, communication and risk reduction skills and to develop respectful relationships, in full partnership with young people, parents, legal guardians, caregivers, educators and health-care providers, in order to end sexual violence and harassment;

7. *Calls upon* States to take effective action to prevent and eliminate sexual harassment against women and girls in the public space, on the way to and from and at school and in the workplace, without delay, including by:

(a) Adopting, strengthening and implementing legislation and policies in accordance with their obligations under international law, including human rights law, which address the issue of sexual harassment in a comprehensive manner by, inter alia, criminalizing sexual harassment, taking protective and preventive measures and ensuring accountability and access to effective remedies, including through adequate enforcement by the police and the judiciary of civil remedies, orders of

protection and criminal sanctions in order to eliminate impunity and avoid revictimization;

(b) Defining and prohibiting harassment, including sexual harassment at work and school and in public spaces through laws, ensuring appropriate complaints procedures and mechanisms and establishing criminal sanctions for sexual harassment, as well as exercising due diligence by taking measures to prevent, investigate, prosecute and hold to account the perpetrators of sexual harassment in the workplace and provide for effective access to appropriate remedies for victims;

(c) Preventing and eliminating all forms of violence, including sexual harassment against women and girls in all settings, including public and private spaces, means of public transport, schools and workplaces, particularly workplaces that are largely male-dominated or where a stereotyped masculinity prevails, by, inter alia, implementing effective violence-prevention and response activities, including by facilitating effective action after sexual harassment has been committed by holding perpetrators to account and providing victims with access to remedies and protection, engaging men and boys, educating children from a young age about the importance of treating all people with dignity and respect and designing educational programmes and training materials that support gender equality, human rights, respectful relationships and non-violent behaviour;

(d) Accelerating efforts to develop, review and strengthen inclusive and gender-responsive policies, including by allocating adequate resources, to address the structural and underlying causes of violence and sexual harassment against women and girls, to overcome gender stereotypes and negative social norms, to encourage the media to examine the impact of gender-role stereotypes, including those perpetuated by commercial advertisements, that foster gender-based violence, sexual exploitation and inequalities, to promote zero tolerance for such violence and to end the stigmatization of victims and survivors of violence;

(e) Taking measures to ensure that all officials, including those in leadership positions, responsible for implementing policies and programmes aimed at preventing violence against women and girls, including sexual harassment, protecting and assisting the victims and investigating and punishing acts of violence receive ongoing, adequate and gender- and culturally sensitive training to be aware of gender-specific needs, as well as of the underlying causes and short- and long-term impacts of sexual harassment;

(f) Removing barriers, whether political, legal, cultural, economic, institutional or religious, preventing the full, equal and effective participation of women in leadership and political and other decision-making positions, taking into account that promoting women to leadership positions may significantly reduce the risk of sexual harassment;

(g) Taking measures to ensure that all workplaces are free from discrimination and exploitation, violence, and sexual harassment and bullying and that they address discrimination and violence against women and girls, as appropriate, through such measures as regulatory and oversight frameworks and reforms, collective agreements, codes of conduct, including appropriate disciplinary measures, protocols and procedures, and referral of cases of violence to health services for treatment and to police for investigation, as well as through awareness-raising and capacity-building, in collaboration with employers, unions and workers, including through workplace services and flexibility for victims and survivors;

(h) Taking measures to improve the safety of girls at and on the way to and from school, including by establishing a safe and violence-free environment by improving infrastructure, such as transportation, providing separate and adequate

sanitation facilities, improved lighting, playgrounds and safe environments and adopting policies to prohibit, prevent and address violence against children, especially girls, including sexual harassment, bullying and other forms of violence, through such measures as conducting violence-prevention activities in schools and communities and establishing and enforcing penalties for violence against girls;

(i) Ensuring the promotion and protection of the human rights of all women, their sexual and reproductive health and their reproductive rights in accordance with the Programme of Action of the International Conference on Population and Development,[9] the Beijing Platform for Action[8] and the outcome documents of their review conferences, including through the development and enforcement of policies and legal frameworks and the strengthening of health systems that make universally accessible and available quality, comprehensive sexual and reproductive health-care services, commodities, information and education, including safe and effective methods of modern contraception, emergency contraception, prevention programmes for adolescent pregnancy, maternal health care, such as skilled birth attendance and emergency obstetric care, which will reduce obstetric fistula and other complications of pregnancy and delivery, safe abortion where such services are permitted by national law, and prevention and treatment of reproductive tract infections, sexually transmitted infections, HIV and reproductive cancers, recognizing that human rights include the right to have control over and decide freely and responsibly on matters related to sexuality, including sexual and reproductive health, free from coercion, discrimination and violence;

8. *Urges* States to take effective action to protect victims of all forms of violence, including sexual harassment in the workplace, including by:

(a) Providing relevant, comprehensive and victim-centred legal protection to support and assist victims of sexual harassment in the public space, on the way to and from and at school and in the workplace in a gender-sensitive manner, including the protection of victims and witnesses from reprisals for bringing complaints or giving evidence, within the framework of their national legal systems, including, as appropriate, legislative or other measures throughout the criminal and civil justice system, paying particular attention to women and girls facing multiple and intersecting forms of discrimination;

(b) Establishing comprehensive, coordinated, interdisciplinary, accessible and sustained multisectoral services, programmes and responses for all victims and survivors of all forms of violence, including sexual harassment in the public space, on the way to and from and at school and in the workplace, that are adequately resourced, in a language that they understand and in which they can communicate and include effective and coordinated action by, as appropriate, relevant stakeholders, such as the police and the justice sector, as well as providers of legal aid services, health-care services, shelters, medical and psychological assistance, counselling services and protection and, in cases involving girl victims, that ensure that such services, programmes and responses take into account the best interests of the child;

(c) Establishing and/or strengthening police and health workers' response protocols and procedures to ensure that all appropriate actions are taken to protect victims of sexual harassment in the public space, on the way to and from and at school and in the workplace, to identify acts of violence and to prevent further acts of violence and psychological harm, ensuring that the services provided respond to the needs of survivors, including by ensuring access to confidential reporting services, as well as female health-care providers, police officers and counsellors if requested, taking into account the need to ensure and maintain the privacy and confidentiality of the victim;

9. *Calls upon* States to hold employers accountable when they fail to abide by the laws and regulations set out by States on sexual harassment against women and girls in the workplace, including but not limited to the agricultural, textile, entertainment and extractive industries, transnational and national corporations and public services;

10. *Also calls upon* States to exercise due diligence in preventing violations and abuses against all women human rights defenders, politicians, activists, journalists and media workers, including through practical steps to prevent threats, harassment and violence, and in combating impunity by ensuring that those responsible for violations and abuses, including gender-based violence and threats, committed by State or non-State actors, including online, are promptly brought to justice through impartial investigations;

11. *Urges* States to systematically collect, analyse and disseminate data disaggregated by sex, age and other relevant parameters, including, where appropriate, administrative data from the police, the health sector and the judiciary, to monitor all forms of violence against women and girls, including sexual harassment, such as data on the relationship between the perpetrator and the victim and geographical location, with the involvement of national statistical offices and, where appropriate, in partnership with other actors, including law enforcement agencies, in order to effectively review and implement laws, policies, strategies and preventive and protective measures, while ensuring and maintaining the privacy and confidentiality of the victims;

12. *Encourages* States to cooperate with civil society, including women's and community-based organizations, feminist groups, women human rights defenders, organizations led by girls and youth, and unions, in preventing and eliminating sexual harassment;

13. *Stresses* that, within the United Nations system, adequate resources should be assigned to the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and other bodies, specialized agencies, funds and programmes responsible for the promotion of gender equality, the empowerment of women and the human rights of women and girls and to efforts throughout the United Nations system to prevent and eliminate violence against women and girls, including sexual harassment in the public space, on the way to and from and at school and in the workplace, and calls upon the United Nations system to make the necessary support and resources available;

14. *Also stresses* the importance of the Secretary-General's Global Database on Violence against Women, expresses its appreciation to all those States that have provided the Database with information regarding, inter alia, their national policies and legal frameworks aimed at eliminating violence against women and girls and supporting victims of such violence, strongly encourages all States to regularly provide updated information for the Database, and calls upon all relevant entities of the United Nations system to continue to support States, at their request, in the compilation and regular updating of pertinent information and to raise awareness of the Database among all relevant stakeholders, including civil society;

15. *Acknowledges* the work of the Statistics Division of the Department of Economic and Social Affairs of the Secretariat, as requested by the Statistical Commission, on the development of guidelines to support the production by Member States of statistics on violence against women and girls;

16. *Requests* the Special Rapporteur of the Human Rights Council on violence against women, its causes and consequences to present an annual report to the General Assembly at its seventy-fourth and seventy-fifth sessions;

17. *Requests* the Secretary-General to submit to the General Assembly at its seventy-fifth session a report containing:

(a) Information provided by the United Nations bodies, funds and programmes and the specialized agencies on their follow-up activities to implement resolution 71/170 and the present resolution, including on their assistance to States in their efforts to eliminate all forms of violence against women and girls;

(b) Information provided by States on their follow-up activities to implement the present resolution;

18. *Also requests* the Secretary-General to present an oral report to the Commission on the Status of Women at its sixty-third and sixty-fourth sessions, including information provided by the United Nations bodies, funds and programmes and the specialized agencies on recent follow-up activities to implement resolutions 69/147 and 71/170 and the present resolution, and urges such entities to contribute promptly to that report;

19. *Decides* to continue its consideration of the elimination of all forms of violence against women and girls at its seventy-fifth session under the item entitled "Advancement of women".